Remarks

1. Summary of the Office Action

On the Office Action Summary sheet of the Office Action mailed August 10, 2007, the Examiner indicated claims 1-22 are pending in the application. However, in Applicant's response filed on May 20, 2007, claims 14, 15, and 17 were cancelled and new claims 23 and 24 were added, such that claims 1-13, 16, and 18-24 were pending at the time the Office Action of August 10, 2007 was mailed.

In the Office Action, (i) the Examiner indicated that claims 1-13 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent Application Publication No. 2002/0183045 A1 (hereinafter "Emmerson") and in view of U.S. Patent Application Publication No. 2002/0129129 A1 (hereinafter "Bloch"), and (ii) the Examiner indicated that claims 14-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Emmerson in view of Bloch and U.S. Patent Application Publication No. 2004/0034853 (hereinafter "Gibbons").

Although the Examiner indicated claims 1-13 are anticipated by Emmerson in view of Bloch, Applicant assumes that the Examiner has rejected claims 1-13 as being obvious over Emmerson in view of Bloch.

2. Amendments and Pending Claims

Applicant has amended claims 1, 3, 8, 9, 18, 19, and 22, and cancelled claims 12, 13, 16, 20, 21, 23, and 24. Claims 1-11, 18, 19, and 22 are presently pending in this application. Claim 1 is independent.

Support for the amendment to claims 1, 8, and 9 is located in the specification, for example, at page 45, line 15 to page 48, line 23.

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

Applicant has amended claim 1 to remove the language "wherein the generic content descriptor file includes (i) meta-data about the non-Java content, and (ii) an identifier specifying an application that handles the non-Java content" and "processing the generic content descriptor file so as to determine that the mobile information device does not include the specified application that handles the non-Java content, and thereafter, presenting a user of the mobile information device with an option to download the specified application that handles the non-Java content." Applicant does not intend to give up coverage for the removed language. Therefore, claim 1 does not exclude the possibility that a generic content descriptor file includes meta-data about the non-Java content and an identifier specifying an application, and claim 1 does not exclude the possibility of processing the generic content descriptor file so as to determine that the mobile information device does not include the specified application that handles the non-Java content, and thereafter, presenting a user of the mobile information device with an option to download the specified application that handles the non-Java content, and claim 1 should not be construed to exclude these possibilities.

3. Response to the Claim Rejections

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Emmerson in view of Bloch. According to M.P.E.P. § 2143, to establish a *prima facie* case of obviousness using a combination of references, the combination of references must teach or suggest all of the limitations of the claim. "To reach a proper determination under 35 U.S.C. § 103, the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made. In view of all the factual information, the Examiner must then make a determination ***whether the***

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

claimed invention 'as a whole' would have been obvious at that time to that person." (M.P.E.P. § 2142, emphasis added).

Amended claim 1 recites a method for an application management system on a mobile information device to download non-Java content to the mobile information device, the method comprising: (i) downloading to the mobile information device a generic content descriptor file for the non-Java content, wherein the generic content descriptor file includes at least one attribute other than an attribute that indicates a location from which the mobile information device can download the non-Java content, (ii) processing the downloaded generic content descriptor file at the mobile information device so as to verify presence of the at least one attribute in the generic content descriptor file, (iii) if the at least one attribute in the generic content descriptor file is present, then thereafter downloading the non-Java content to the mobile information device, and (iv) if the at least one attribute is missing from the generic content descriptor file, then not downloading the non-Java content to the mobile information device.

The Examiner's proposed combination of Emmerson and Bloch fails to reasonably lead to this invention, at a minimum because the combination fails to teach (i) processing the downloaded generic content descriptor file at the mobile information device so as to verify presence of the at least one attribute in the generic content descriptor file, and (ii) if the at least one attribute is missing from the generic content descriptor file, then not downloading the non-Java content to the mobile information device, as recited in claim 1.

The combination of Emmerson and Bloch teaches "[a] way of downloading content from a server to a mobile phone in which the server can be can be accessed directly from within a phone menu application. The content is thus downloaded from the server to the mobile phone, and ***accompanying the content is an HTTP header that indicates the source URL of the server***.

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

The content once received at the phone from the server is then subjected to examination whereby the mobile phone determines whether or not the downloaded content is from a trusted server." (Emmerson, abstract, emphasis added).

Even if it is assumed arguendo that the HTTP header that indicates the source URL of the server (as disclosed by the combination of Emmerson and Bloch) amounts to the claimed attribute that indicates a location from which the mobile information device can download the non-Java content, which Applicant does not concede, Applicant submits that the combination of Emmerson and Bloch do not reasonably lead to the claimed invention as a whole. In particular, Emmerson and Bloch do not reasonably teach or suggest processing the generic content descriptor file so as to verify presence of the at least one attribute and if the at least one attribute is missing from the generic content descriptor file, then not downloading the non-Java content to the mobile information device, because Emmerson and Bloch teach that the downloaded content accompanies the HTTP header (i.e., the assumed attribute that indicates a location from which the mobile information device can download the non-Java content).

Because the Examiner has not cited to any objective evidence that suggests or logically leads to the invention recited in claim 1, *prima facie* obviousness of claim 1 has not been established. Therefore, Applicant submits that claim 1 is allowable. Furthermore, without conceding the Examiner's assertions regarding dependent claims 2-11, 18, 19, and 22, Applicant submits that claims 2-11, 18, 19, and 22 are allowable for at least the reason that they depend from allowable claim 1.

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

4. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-11, 18, 19, and 22 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP

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By: /David L. Ciesielski/
David L. Ciesielski
Reg. No. 57,432

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001